

Ex. 4 CBI

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May 20, 2021

VIA EMAIL and U.S. MAIL

Saunders County Board of Supervisors
Saunders County Courthouse
433 N Chestnut St
Wahoo, NE 68066
countyclerk@co.saunders.ne.us

Village of Mead
312 South Vine Street
Post Office Box 46
Mead, Nebraska 68041-0046
meadclerk1@hotmail.com

Director Jim Macy
Nebraska Department of Energy and Environment
245 Fallbrook Blvd.
Lincoln, NE 68521
jim.macy@nebraska.gov

Re: Mead Cattle Company, LLC, AltEn, LLC – Permit Transfer

To whom it may concern:

On behalf of the seed companies involved in the efforts to stabilize the AltEn, LLC (AltEn) property following the exit of the site by AltEn's personnel, we are hereby requesting that the NDEE, Saunders County Board of Supervisors, and Village of Mead immediately suspend the approval process for the Conditional

Use Permit for the Mead Cattle Company, LLC (Mead Cattle) which would allow the sale of the Mead Cattle property to a third party. The Mead Cattle facility operated in tandem with AltEn's ethanol production operations and supplied a considerable amount of manure to AltEn's manure digester, which ruptured this spring and caused a release of manure and wastewater giving rise to many of the cleanup efforts currently underway. In support of this request, we highlight a number of the connections between the Mead Cattle property and the AltEn site, which must be assessed and addressed in advance of any transfer of the property. These representative examples are not exclusive, but illustrate the need for further review.

Much of the material recovered following the digester spill that occurred in February of 2021 remains untreated on the AltEn site. In addition, a second digester located at the AltEn site contains substantial quantities of raw manure from Mead Cattle. The treatment and disposal (including future liability) of this material should be the responsibility of Mead Cattle.

Mead Cattle's permitting provides for expected flows to AltEn's methane digester. On or about June 6, 2016 for example, Mead Cattle submitted to NDEQ a proposed modification to the Construction and Operating Permit as well as the NPDES permit for its operation (see Attachment 1: excerpts from 6-7-2016 43238-LWC-DEQ Application Major Modification). The reason given for the modification: "The adjacent ethanol plant/methane digester utilizes slurry manure for energy production and additional storage is desired to have adequate storage for both digester demand and land application" (Attachment 1, final page).

AltEn's operating permits likewise reflect the receipt of substantial flows of manure from Mead Cattle. A May 9, 2018 submission by AltEn to NDEE, for example, estimated flows to a new lagoon consisting of the following loading rates and contents:

"Loading rates are based off of the plants original design at full capacity and are as follows:

- 240,000 G/D from Digesters - 75,000 COD
- 160,000 G/D from Manure - 100,000 COD
- 45,000 G/D from Combined Boiler Blowdown/Sumps/Softener/RO

Lab results of the flow to the industrial lagoon are as follows :

- Biochemical Oxygen Demand - 2,600 mg/L
- Total Kjeldahl Nitrogen - 2,410 mg/L
- Total Suspended Solids - 1,340 mg/L"

(See Attachment 2, excerpts from May 9, 2018 Letter from Settje Agriservices to NDEQ and attachments, at page 2).

These loading rates and flows explain the elevated nutrient levels observed in the AltEn wastewater lagoons currently being dewatered by contractors engaged by the seed companies. These nutrients greatly complicate the treatment and disposal options for the wastewater at the site. Based on available industry data and expertise, the nitrogen and/or phosphorus loadings exceed what would ordinarily be produced in an ethanol facility.

It is our understanding that Saunders County is also conducting an analysis of other constituents in the cattle manure that may be complicating the cleanup efforts. The results of that analysis are pending, from our understanding. What is clear from information currently available, however, is that the overall costs for treatment of the AltEn wastewater are elevated, and disposal options are limited, as the result of the nutrient loadings from the cattle manure involved in AltEn's process.

Over the years, the Mead Cattle and AltEn sites have operated in tandem, sharing facilities, signage, access roads, application sites, personnel, and equipment. Only recently in the spring of 2021 have the entities apparently begun purposefully segregating activities, likely in connection with the pending sale. AltEn and Mead Cattle have attempted to create a distinction between the entities and the facilities. But the pipes and historic connections remain with a considerable environmental cleanup effort underway. It is our desire to ensure that the appropriate entities are involved in and share the costs of the cleanup effort.

Because Mead Cattle has contributed considerable manure slurry, wastewater volumes and nutrient loadings to AltEn, an analysis of the costs attributable to Mead Cattle should be undertaken before the approval of a change in site ownership. Mead Cattle's responsibility may need to be addressed in part in connection with in-kind services, such as access to the feedlot property for remediation activities, and financial contribution may be required in advance of the completion of a sale. Therefore, we respectfully request the Mead Board of Trustees, Saunders County Supervisors and the NDEE take the time to assess these connections and cleanup responsibility prior to approving the transfer of the property to a subsequent purchaser.

Regards

Ex. 4 CBI

Corporate Counsel

Ex. 4 CBI

Ex. 4 CBI

Assistant General Counsel,
Regulatory - Seeds and Traits

Ex. 4 CBI

Enclosures: Attachment 1, Attachment 2

ATTACHMENT 1

 ORIGINAL

CHECK
RECEIVED

RECEIVED

JUN - 7 2016

Nebraska Dept of Environmental Quality
By: _____ DEQ#158 _____

**MEAD CATTLE COMPANY
PROPOSED MANURE STORAGE PONDS
SAUNDERS COUNTY, NEBRASKA**

ProAg Job #16-034

May 2016

ProAg Engineering, Inc.

Nicholaus J. Rowe, P.E.
77402 U.S. Highway 71
P.O. Box 181
Jackson, MN 56143
507-894-7200 – Office
507-841-3269 – Cell
nic@proageng.com



20160039711



**NUTRIENT
ADVISORS**

CHECK
RECEIVED

June 6, 2016

#12813
\$400.

RECEIVED

JUN - 7 2016

Mr. Blake Onken
Nebraska Department of Environmental Quality
P.O. Box 98922
Lincoln, NE 68509-8922

Nebraska Dept of Environmental Quality
By: _____ DEQ#158 _____

RE: Mead Cattle Company, LLC
NDEQID: 43238
Subject: Major Modification

Dear Mr. Onken:

Enclosed is an original and five copies of a proposed modification to the Construction and Operating permit as well as the NPDES permit for Mead Cattle Company, LLC. The proposed modification is for two additional manure storage ponds to help manage the demand for slurry manure from the adjacent methane digester and fall land applications.

The proposed storage ponds are only supplemental. There are no proposed changes to existing design/structures, animal feeding areas, animal capacity, contributing drainage, manure production, or the nutrient management plan. The existing site plan, design, and nutrient management plan was recently approved as part of the NPDES permit renewal. There are no proposed changes to the existing approved permitted information. Both proposed storage structures are located outside of runoff containment areas, therefore there is no proposed modifications to drainage calculations. The proposed structures are strictly supplemental.

If you have any questions please call our office.

Sincerely,

Andy Scholting
Nutrient Advisors

Enclosures



449 E. Deere Street • West Point, NE 68788
Phone: 402.372.CAFO nutrientadvisors.com

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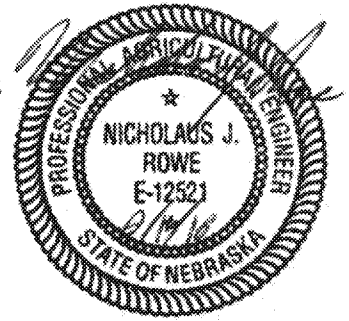
DESIGN, OPERATION, & MAINTENANCE MANUAL

MEAD CATTLE COMPANY

PROPOSED MANURE STORAGE STRUCTURES

SAUNDERS COUNTY, NEBRASKA

ProAg Project No: 16-034



INTRODUCTION

Mead Cattle Company is an existing cattle operation consisting of 27,000 head of finishing cattle in nine confinement barns with an additional 3,000 head of cattle in open lots. This report will only address the manure and waste storage from the confinement cattle barns and their associated storage structures. No changes are proposed to the existing open lots, feed storage, or runoff control structures. Currently, all the waste from the confinement barns is stored in existing five foot deep concrete pits below the slatted barn floors and is also manually pumped with above ground pipe into six existing earthen manure storage ponds. The site is proposing to construct two additional earthen waste storage ponds in order to provide an additional 23,976,085 gallons of liquid manure storage. The proposed storage ponds only supplemental. The adjacent ethanol plant/methane digester utilizes slurry manure for energy production and additional storage is desired to have adequate storage for both digester demand and land application. There is NO proposed changes to existing design/structures, animal feeding areas, animal capacity, contributing drainage, manure production, or the nutrient management plan. The existing site plan, design, and nutrient management plan was recently approved as part of the NPDES permit renewal. There are NO proposed changes to the existing approved permitted information. Both proposed storage structures are located outside of runoff containment areas, therefore there is NO proposed modifications to drainage calculations. The proposed structures are strictly supplemental. The site is located in the S 1/2, Section 12, T-14-N, R-08-E, approximately two miles south of Mead, Nebraska, in Saunders County.

TOTAL ANIMALS IN CONFINEMENT

The proposed animal numbers, age, housing, and manure type are as follows:

- 27,000 head of beef finishing cattle in confinement

TOTAL ANIMAL NUMBERS AND WEIGHT

The proposed animal types, numbers, and average weights are as follows:

- Beef Finishing Cattle in Confinement 27,000 Head @ 1,000 lbs. = 27,000,000 lbs.

EXISTING STORAGE STRUCTURES

All of the confinement cattle manure is temporarily stored as liquid in a five (5) feet deep concrete pit below the confinement barns. As the pits fill, the liquid manure will be pumped through overland above ground pipe to one of six existing earthen manure storage ponds (#2-#7). The existing earthen storage ponds are operated independently and each are manually filled.

The existing methane digester requires additional manure storage volume to allow for slow and consistent manure processing. The proposed ponds will help with the operation of the digester without losing necessary manure storage volume for the confinement operation.

All production area runoff including the open feedlots and feed storage areas drain into existing solid settling basins and a lift station pump transfers the runoff water into existing Earthen Runoff Holding Pond #1. Dry manure from the open lots is handled separately. There are no changes proposed to any of the existing earthen manure storage basins or the existing runoff controls.

PROPOSED EARTHEN MANURE STORAGE POND DESIGN

The two proposed earthen manure storage ponds will provide approximately 23,976,085 gallons of additional storage volume which should provide approximately 4 additional months of manure storage. The proposed earthen manure storage system is designed to hold the annual liquid manure and

ATTACHMENT 2

SETTJE

Agri-Services & Engineering, Inc.

15460 NW 48th Street
Raymond, Ne 68428
office (402) 783-2100
fax (402) 783-2104

May 9, 2018

RECEIVED

Mr. Curtis Christensen
Nebraska Department of Environmental Quality
Suite 400, The Atrium
1200 'N' Street
PO Box 98922
Lincoln, NE 68509-8922

MAY - 9 2018

Nebraska Dept of Environmental Quality
By: FS

Reference:

Application for a Construction Permit Additional Requested Information New Holding Pond Cell AltEn; NDEQID# 84069
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Mr. Christensen:

This letter and the enclosed information is in response to your recent request for additional information. The following items correspond to the numbered questions in your recent letter.

1. The design report has been updated with the requested design criteria. The wastewater test results used have also been enclosed.
2. A from ED-1 has been enclosed with the applicable information filled in.
3. Management of the facility indicated that there is not currently a flow measuring device in the wastewater system. As a result, a proposed flow meter and manhole to house it have been added to the enclosed plans.
4. We could not find any data showing a mapped flood plain in the area of the project. A plan has been enclosed showing the closest mapped flood plains to the project. It appears there is one approximately $\frac{3}{4}$ miles Southwest and another approximately 1 mile East.
5. The existing lagoons are enclosed in a fence. The existing fence as well as a proposed fence around the toe of the proposed lagoon have been added to the enclosed plans.
6. The enclosed Construction Quality Assurance and Specifications have been updated to include verbiage about proper closure of the existing well. In addition, a callout note has been added to the plans referencing Title 178.

In addition to the changes listed above, the location of the proposed discharge pipe has changed to minimize risk of damage from embankment settlement. As a result, most of the plan sheets had some minor changes. A new updated full set has been enclosed for your review. Please call with any questions. Thank you for your consideration.

Sincerely,



Matthew D. Goeller, P.E.
enclosures



Design Report
AltEn, LLC
Saunders County, Nebraska

Summary

This project is located in the NW 1/4, Sec. 12, T 14N, R 8E in Saunders County, Nebraska, approximately 2.0 miles south of Mead, Nebraska. The site is an existing ethanol plant with a proposed additional process water holding cell and lagoon system update.

Design Objectives

The design objective of this proposed project is to utilize existing infrastructure and new design to further reduce total suspended solids prior to existing land application methods. This objective will be met with construction and maintenance of an upgraded wastewater works system in series rather than in parallel.

Project Description

The project will consist of the construction of a third holding pond, HDPE liner, and multiple piping system changes. Two new SS plug valves are proposed prior to the existing valve box to allow flow to be re-directed into the southwest corner of the new holding pond cell #3. New overflow pipe is proposed and will transfer wastewater from cell to cell. Irrigation will occur from only the final cell to help prevent short circuiting the system.

Loading rates are based off of the plants original design at full capacity and are as follows:

- 240,000 G/D from Digesters – 75,000 COD
- 160,000 G/D from Manure – 100,000 COD
- 45,000 G/D from Combined Boiler Blowdown/Sumps/Softener/RO

Lab results of the flow to the industrial lagoon are as follows:

- Biochemical Oxygen Demand – 2,600 mg/L
- Total Kjeldahl Nitrogen – 2,410 mg/L
- Total Suspended Solids – 1,340 mg/L

Plans and specifications have been enclosed to demonstrate the proposed construction. Stage Storage Data is available in the plans.